IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINETH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 18278 of 2003

Between:

1 Bogadameedi Pedda Bojanna S/o Yerra Gangaram
R/o Bajanna Galli, Armoor, Nizamabad District.
2 Bogadameedi Chinna Gengaram S/o Yerra Gangaram
R/o Bajanna Galli, Armoor, Nizamabad District.
3 Bogadameedi Sathyam S/o Yeddana
R/o Bajanna Galli, Armoor, Nizamabad District.
4 Pala Bajanna S/o Chinna Bajanna
R/o Bajanna Galli, Armoor, Nizamabad District.
5 Lala Abbanna S/o Mallaiah
R/o Bajanna Galli, Armoor, Nizamabad District.
6 B.Gangaram s/o Linganna
R/o Bajanna Galli, Armoor, Nizamabad District.
7 Lala Chinnaiah (died) through his L.R. Lala Nadipit Gangaram
R/o Bajanna Galli, Armoor, Nizamabad District.
8 Bogadameedi Chinnaiah (Died) through L.R. Bogadameedi Bajanna,
R/o Bajanna Galli, Armoor, Nizamabad District.
9 Issapalli Gangaram S/o Narsimlu
R/o Bajanna Galli, Armoor, Nizamabad District.
10 Narayanapeta Yerranna S/o Rajanna
R/o Bajanna Galli, Armoor, Nizamabad District.

.....PETITIONERS

AND

1 The Joint Collector, Nizamabad.
2 The Mandal Revenue Officer Armoor, Nizamabad Distirct.

3 Pola Ganga Jamuna D/o Vishwanatham
working at PACS Armoor, H.No.2-2-6, Near Komati Hanuman Mandir,

Pedda Bazaar, Armoor, Nizamabad District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the Hon'ble Court will be pleased to issue an appropriate writ or order more particularly one in the nature of writ of Certiorari calling for the records relating to the order passed by the first respondent vide Case No.D2/15/2000 dated 19-8-2003 and quash the same by duly declaring the order passed by the first respondent in exercise of power vested in him under Section 9 of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 setting aside the mutation proceedings issued by the 2nd respondent in respect of the land in Sy.No.407 extent Ac.8.15 guntas situated at Armoor village, Nizambad district in favour of the petitioners is nothing but arbitrary, illegal, without jurisdiction and also contrary to the procedure contemplated under A.P. Rights in Land and Pattedar Pass Books Act, 1971.

Counsel for the Petitioners: MR.V.RAVI KIRAN RAO

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

Counsel for the Respondent No.3: Mr.Jalli Kanakaiah

WRIT APPEAL NO : 1578 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 29/08/2003 in WP NO : 18278 OF 2003 on the file of the High Court.)

Between:

1 Bogadameedi Pedda Bojanna S/o Yerra Gangaram
R/o Bajanna Galli, Armoor, Nizamabad District.
2 Bogadameedi Chinna Gengaram S/o Yerra Gangaram
R/o Bajanna Galli, Armoor, Nizamabad District.
3 Bogadameedi Sathyam S/o Yeddana
R/o Bajanna Galli, Armoor, Nizamabad District.
4 Pala Bajanna S/o Chinna Bajanna
R/o Bajanna Galli, Armoor, Nizamabad District.
5 Lala Abbanna S/o Mallaiah
R/o Bajanna Galli, Armoor, Nizamabad District.
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R/o Bajanna Galli, Armoor, Nizamabad District.
7 Lala Chinnaiah (died) through his L.R. Lala Nadipit Gangaram
R/o Bajanna Galli, Armoor, Nizamabad District.
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R/o Bajanna Galli, Armoor, Nizamabad District.
9 Issapalli Gangaram S/o Narsimlu

R/o Bajanna Galli, Armoor, Nizamabad District.

10 Narayanapeta Yerranna S/o Rajanna
R/o Bajanna Galli, Armoor, Nizamabad District.

.....Appellants

AND

1 The Joint Collector, Nizamabad.
2 The Mandal Revenue Officer Armoor, Nizamabad Distirct.
3 Pola Ganga Jamuna D/o Vishwanatham
working at PACS Armoor, H.No.2-2-6, Near Komati Hanuman Mandir,

Pedda Bazaar, Armoor, Nizamabad District.

.....RESPONDENTS

Counsel for the Appellants: MR.V.RAVI KIRAN RAO

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

Counsel for the Respondent No.3: Mr.Jalli Kanakaiah

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Appeal is against the order passed by learned single Judge on 29-8-2003. While issuing notice in the writ petition, learned single Judge granted interim suspension of the order impugned in the writ petition and also directed that petitioners-appellants shall not either alienate or encumber the land.

In the writ petition, order passed by the Joint Collector, Nizambad, dated 19-8-2003 in case No.D2/15/2000 is under challenge. By the said order, the mutation made by the Mandal Revenue Officer in respect of Survey No.407 admeasuring Ac.8-15 guntas in favour of the appellants herein was set aside on the ground that the Mandal Revenue Officer did not follow the prescribed procedure under law. While setting aside the mutation, no further order was passed. Consequential order which ought to have been passed would have been to direct the Mandal Revenue Officer to decide the matter afresh in accordance with law after hearing parties. Accordingly, instead of keeping the matter pending in court and continuing the

interim orders, counsel for the parties agree that the writ petition itself could be disposed of.

Accordingly, the writ appeal and writ petition stand disposed of with direction that the Mandal Revenue Officer will decide the mutation afresh in respect of the aforementioned land in accordance with law after hearing the parties concerned and till the matter is heard and decided by the Mandal Revenue Officer, none of the parties shall create any third party interest or transfer or alienate the same.

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DEVINDER GUPTA, CJ

29-10-2004

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C.V.RAMULU, J

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To

1 The Joint Collector, Nizamabad.
2 The Mandal Revenue Officer Armoor, Nizamabad Distirct.
3 2 CCs to the Govt. Pleader for Revenue, High Court Buildings,

Hyderabad (OUT).

4 2 CD copies.